

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 84001(a).(5)

Specific Purpose:

The Department is adopting this regulation to define “minor parent program”.

Factual Basis:

The Department is adopting this definition to meet the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349(a) and (d), respectively, by making this regulation consistent with the provisions of Section 1530.8(a)(2) of the Health and Safety Code. This definition is necessary to eliminate any confusion about the term used throughout these regulations. Pregnant minors are included in this definition because provider groups, in consultation with the Department, stated that pregnant minors are generally included in the minor parent programs. In addition, the inclusion of pregnant minors is consistent with Welfare and Institutions Code Section 11331.5(d) that defines "teenage parent" by including the pregnant woman under 19 years of age.

Section 84065.2(a)(1) and the following Handbook

Specific Purpose:

The Department is amending this regulation to incorporate all parts of Health and Safety Code Section 1522.4(a) that apply to facility managers and to correct the handbook.

Factual Basis:

This amendment is necessary to comply with Health and Safety Code Sections 1522.4(a)(1) through (3) which specify the requirements for a facility manager. As a result the handbook is also being corrected.

Sections 84065.5(b), (b)(1) and (2)

Specific Purpose:

The Department is amending this regulation to clarify the staff-to-children ratio.

Factual Basis:

This regulation is amended to meet the “necessity” and “clarity” standard of the Administrative Procedure Act, Government Code Sections 11349(a) and (c), respectively. The amendment to this section is necessary to establish appropriate day staff-to-child ratios and to clarify that all children in the facility shall be counted in determining appropriate staffing ratios. The amendments also implement the requirement in Section 1530.8(d)(2) of the Health and Safety Code that requires a staffing ratio of 1:4 when the minor parent is absent and the facility is providing direct care and supervision to a child younger than 6 years.

#### Section 84065.7

##### Specific Purpose:

The Department is amending this section to clarify the staff-to-children ratio at night.

##### Factual Basis:

The amendment to this section is necessary to clearly establish appropriate night staffing ratios. For minor parent programs, night supervision shall begin at 7 p.m. rather than 10 p.m. because research shows that teenagers need 9-10 hours of sleep, and teenage parents may require more due to sleep deprivation usually accompanied with having an infant. Also, this earlier time allows for the minor parent and child to develop a bedtime ritual. These amendments are also necessary to clarify that the minor parent and child shall be counted when determining appropriate staffing ratios. In an emergency there should be sufficient staff to assure that all residents of a group home exit safely.

#### Section 84200(a)

##### Specific Purpose:

The Department is amending this regulation to specify that this regulation applies only to group homes that serve a young child who is not accompanied by the minor parent.

##### Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349(a) and (d) respectively, by complying with Health and Safety Code Section 1530.8(b) which specifies that separate regulations shall be adopted for minor parent programs.

#### Section 84200(a)(1)

Specific Purpose:

This regulation is amended to clearly explain that the Department is adopting regulations specific to Minor Parent Programs.

Factual Basis:

This regulation is amended for purposes of meeting the “necessity” and “clarity” standards of the Administrative Procedure Act, Government Code Sections 11349(a) and (c) respectively. This regulation is necessary to comply with Section 1530.8(a)(2) of the Health and Safety Code that requires CDSS to adopt regulations that establish standards for Minor Parent Programs. Therefore, the original language is repealed, as it is no longer necessary and would be duplicative, and reworded for clarity.

Section 84200(b)

Specific Purpose:

The Department is adopting this regulation to specify the separate regulations that apply to minor parent programs.

Factual Basis:

This section is necessary to comply with Health and Safety Code Section 1530.8(a)(2) which specifies that separate regulations shall be adopted for minor mother (parent) programs.

Section 84200(b)(1)

Specific Purpose:

The Department is adopting this regulation to exempt minor parent programs from the “family group,” “family-like setting,” and “houseparent” requirements as these terms are defined.

Factual Basis:

This adoption is necessary to clarify exemptions for minor parent programs. The presence of the young child’s minor parent makes the exempt provisions unnecessary, because the minor parent provides the “family-like” environment for his or her child.

Section 84200(b)(2)

Specific Purpose:

The Department is adopting this regulation to exempt minor parent programs from the “primary caregiver” requirements and to require minor parent programs to meet the child care staff duties specified in Section 84065.2(b).

Factual Basis:

This adoption is necessary to clarify exemptions and a requirement for minor parent programs. When the minor parent is present, he or she provides the primary care to his or her child. When the minor parent is not present, the group home child care worker provides the primary care to a minor parent’s child.

Section 84200(b)(3)

Specific Purpose:

The Department is adopting this regulation to exempt minor parent programs from the staff-to-children ratios of 1:3 and to require minor parent programs to meet the group home staff to children ratios specified at Sections 84065.5 and 84065.7.

Factual Basis:

This adoption is necessary to comply with Health and Safety Code Section 1530.8(d)(2) which specifies that the staff-to-children ratio shall be 1:4 when the minor mother (parent) is absent. The 1:4 staff-to-children ratio is specified at Section 84065.5(b). When the minor parent is present, he or she provides the primary care giving for his or her child. The staff-to-children ratios for when both the minor parent and his or her child are present are specified at Sections 84065.5 and 84065.7.

Section 84200(b)(4)

Specific Purpose:

The Department is adopting this regulation to exempt minor parent programs from the facility manager pre-employment requirements at Section 84265(b). Also, this adoption is necessary to require minor parent program facility managers to meet the standardized pre-employment requirements of Section 84065(d)(3) [ORD #0499-04: Office of Administrative Law (OAL) file #'s 99-0618-01E (Emergency) and 99-1214-06C (Certificate of Compliance) and California Regulatory Notice Registry, File # Z99-0720-09] and the group home facility manager requirements specified at Section 84065.2(a)(1).

Factual Basis:

The primary focus of minor parent programs is the minor parent. The Department has determined the facility manager requirements specified in Chapter 5, Group Homes, to be necessary for a minor parent program.

Section 84200(b)(5)

Specific Purpose:

The Department is adopting this regulation to impose the group home standardized training requirements specified in regulation package ORD #0499-04 [see Specific Purpose for Section 84200(b)(4) above] on minor parent programs.

Factual Basis:

The standardized group home staff training requirements specified in regulation package ORD #0499-04 apply to group home programs that serve children who are ages 6 through 18. Minor parents are within those ages. Because the focus of minor parent programs is the minor parent, the Department has determined the standardized group home staff training requirements are necessary for minor parent programs.

Sections 84200(c) et seq. through (g) [Renumbered from Sections 84200(a)(2) through (e)]

Specific Purpose/Factual Basis:

Sections 84200(a)(2) through (e) are being renumbered for clarity and consistency.

Section 84201(p)(1)

Specific Purpose/Factual Basis:

The Department is amending this section to replace the phrase "preventive health practices" with "health and safety training." This editorial correction is necessary for consistency and clarity.

Section 84222(a)(5)(A)

Specific Purpose:

The Department is amending this regulation to add the child care worker in a minor parent program to the existing requirements.

Factual Basis:

In a minor parent program, the child care worker provides care and supervision of the child under the age of six years, when the minor parent is absent. The Department has determined that the minor parent's child should have the same level of care in the minor parent's absence as a young child placed without the minor parent.

Section 84222(a)(5)(B)

Specific Purpose:

The Department is adopting this regulation to require minor parent programs to plan indoor and outdoor activities that include time for the minor parent to spend with his or her child.

Factual Basis:

The Department has determined that time spent by a minor parent with his or her child is essential to the young child's development and to the minor parent's development of parenting skills.

Section 84222(a)(12)

Specific Purpose:

The Department is adopting this regulation to require group homes with minor parent programs to specify in the plan of operation the plan for providing parenting education to the minor parents.

Factual Basis:

The Department, in consultation with members of the Workgroup that discussed appropriate minor parent programs, has determined that an essential service provided in a minor parent program is the development of parenting skills in the minor parents.

Section 84222(a)(13)

Specific Purpose:

The Department is adopting this regulation to require group homes with minor parent programs to specify in the plan of operation the means for assuring that children under the age of six years are cared for according to the food service, personal services, and sanitation requirements specified in Subchapter 2, Care for Children Under the Age of Six Years, whether cared for by a child care worker or by the minor parent.

Factual Basis:

The Department and the members of the Workgroup that discussed appropriate minor parent programs have determined that children under the age of six years should have the same standard of food service, personal service, and sanitation requirements whether cared for by a houseparent or child care worker or minor parent.

Sections 84265(c), (c)(1), and Handbook

Specific Purpose:

The Department is amending Section 84265(c) to require 15 hours of health and safety training. Further, editorial amendments are proposed to Sections 84265(c) and (c)(1).

Factual Basis:

These amendments are necessary to comply with Senate Bill (SB) 1524, Chapter 666, Statutes of 1998, which amended Health and Safety Code Section 1596.866 to require health and safety training and to specify the content of that training. Further, editorial amendments are necessary for clarity and consistency.

Section 84265(c)(1)(C)

Specific Purpose:

The Department is adopting this regulation to specify that pediatric cardiopulmonary resuscitation and pediatric first aid training shall be current.

Factual Basis:

This section is necessary to comply with SB 1524, Chapter 666, Statutes of 1998, which amended Health and Safety Code Section 1596.866 to require that pediatric cardiopulmonary resuscitation and pediatric first aid training be current.

Section 84265(c)(1)(D)

Specific Purpose:

The Department is adopting this regulation to specify that preventive health practices training is a one-time requirement.

Factual Basis:

This section is necessary to comply with SB 1524, Chapter 666, Statutes of 1998, which amended Health and Safety Code Section 1596.866 to specify that preventive health training is a one-time requirement.

Section 84265(c)(3)

Specific Purpose:

The Department is amending this regulation to specify the acceptable training facilities for the required health and safety training.

Factual Basis:

This section is necessary to comply with Senate Bill 1524, Chapter 666, Statutes of 1998, which amended Health and Safety Code Section 1596.866 by adding accredited colleges or universities to the acceptable training facilities.

Section 84265(c)(4) et seq.

Specific Purpose:

The Department is amending these sections to specify the acceptable verification of the health and safety training. This amendment includes the adoption of new Sections 84265(c)(4)(C) and (D).

Factual Basis:

This amendment is consistent with the documentation requirements in Health and Safety Code Section 1596.866.

Sections 84265(e) and (e)(1)

Specific Purpose:

The Department is adopting these regulations to specify the education and experience qualifications required for a child care worker in a minor parent program.

Factual Basis:

The Department considered national standards in determining the appropriate education and experience qualifications for a child care worker and has determined that the standard adopted in these proposed regulations are the best compromise among the national standards.

The Child Welfare League of America Standard of Excellence for Services for Adolescent Pregnancy Prevention, Pregnant Adolescents, and Young Parents (page 106), specifies that “direct service staff” have a bachelor’s degree in social work, psychology, counseling, or a related social service field and that “paraprofessional support staff” have a high school diploma or GED and be certified in the area in which they are working.

The United States Department of Health and Human Services, Children's Bureau, provided a grant to the New Jersey Department of Human Services (pages 14 - 16), Division of Youth and Family Services, to develop national model licensing regulations for three specialized areas, one of which was residential services for pregnant and



parenting adolescents. Those model licensing regulations require a child care worker in a minor mother (parent) program to meet one of the following education and experience requirements:

- A bachelor's or associate of arts degree in social work, psychology, or a related field,
- A bachelor's or associate of arts degree in an unrelated field plus six months of experience with children in a group setting,
- A high school graduation or passing score on the General Educational Development test and one year of experience working with children in a group setting, or
- Qualifying life experience. If an individual qualified in this way, the regulation required that the first six months of work at the minor parent facility be supervised, i.e., work in tandem with an experienced individual.

Current California regulations specifying the standards for the care of a child under the age of six who is not accompanied by a minor parent require that a child care worker meet one of the following education and experience requirements:

- Completion of twelve postsecondary semester units in early childhood education or child development, including three units each in infant care and in abused and drug-exposed children, at an accredited or approved college or university and six months of work experience in a license group home, licensed infant care center, or comparable group child care program,
- A current and valid Child Development Associate credential with the appropriate age level endorsement and six months of on-the-job training and/or work experience in a licensed child care center or comparable group child care program, or
- A current and valid Child Development Associate Teacher Permit.

The Workgroup representative from a public interest law firm specializing in children's issues suggested that children with their parents in a group home should not receive less qualified care givers than children placed by their parent in a day care center. The above California regulations impose education and experience requirements that are equivalent to those in day care centers. Another representative from the public interest law firm suggested that the specific courses required could vary from those in current regulations (those for group homes that accept children under the age of six years without their mothers) to include a variety of courses appropriate to minor parent programs. Among the courses specified as appropriate were child development, early childhood education, and courses to help the minor parents understand their children's developmental needs so that they can better care for their babies.

The provider associations suggested that appropriate courses could include those appropriate to the care and supervision of the minor parents in their role as minor parents and also appropriate to the care and supervision of troubled adolescents who are also minor parents.

Section 84265(f) [Renumbered from Section 84265(e)]

Specific Purpose:

The Department is amending this regulation to provide to child care workers, employed before the effective date of these proposed regulations, time to meet the minor parent education requirement. The Department is also renumbering this regulation to fit the new numbering system.

Factual Basis:

This amended requirement is the same provision that was provided to child care workers in a group home that serves children under the age of six years who are not accompanied by their minor parents.

Section 84265(g) [Renumbered from Section 84265(f)]

Specific Purpose:

The Department is amending this regulation (1) to require child care workers in a minor parent program to have a current and valid certificate of completion of pediatric first aid and pediatric cardiopulmonary resuscitation issued by a legislatively approved organization and (2) to add accredited colleges and universities as qualified training organizations. The Department is also renumbering this regulation to fit the new numbering system.

Factual Basis:

The Child Welfare League of America and the regulations in both California and New Jersey require child care staff to have pediatric first aid and pediatric cardiopulmonary resuscitation training. The amendment of this section meets the legislative mandate to refer to national standards in developing these proposed regulations. SB 1524, Chapter 666, Statutes of 1998, amended Health and Safety Code Section 1596.866 by adding accredited colleges and universities as qualified training organizations for pediatric first aid and pediatric cardiopulmonary resuscitation, effective September 21, 1998.

Sections 84265(h) through (l) [Renumbered from Sections 84265(g) through (k)]

Specific Purpose:

Section 84265(h)(1) is amended to specify that the group home social worker may incorporate the minor parent and child into one case file. Also, these sections are renumbered to fit the new numbering system.

Factual Basis:

This regulation is amended because it is appropriate to allow the group home social worker to consider the minor parent and child as one case.

Section 84265.1(f) et seq.

Specific Purpose:

The Department is repealing these sections because the duties specified overlap those of the group home administrator.

Factual Basis:

The repeal of these sections is necessary to avoid duplication and for clarity and consistency. The group home facility administrator is responsible for the requirements specified at the repealed regulations.

Section 84265.1(f) [Renumbered from Section 84265.1(g)]

Specific Purpose:

The Department is amending this regulation to specify that a child care worker may be an administrator and facility manager, if the individual meets all the applicable education and experience requirements for the position being performed. The Department is also renumbering this proposed regulation to fit the new numbering system.

Factual Basis:

This standard of allowing one person to fill the requirements of other positions is a standard in the regulations that govern group homes that serve children under the age of six years who are not accompanied by their parents. The Department and the members of the Workgroup that assisted in developing the standards in this proposed regulation package have determined that this standard is appropriate.

Section 84268.1(a)

Specific Purpose:

The Department is amending this regulation to clarify that it applies only to those group homes that serve children under the age of six years who are not accompanied by their minor parents.

Factual Basis:

Title 22, Division 6, Chapter 5, Subchapter 2 applies to group homes that accept children under the age of six years. This amendment is necessary to specify in this regulation that Section 84268.1 applies only to a particular subset of those children.

Sections 84268.3(a) and (a)(1)

Specific Purpose:

The Department is amending Section 84268.3(a) and adopting Section 84268.3(a)(1) to clarify that the requirements of this section apply only to the children under the age of six years who are not accompanied by their minor parent.

Factual Basis:

Title 22, Division 6, Chapter 5, Subchapter 2 applies to group homes that accept children under the age of six years. The amendment to Section 84268.3(a) and adoption of Section 84268.3(a)(1) is necessary to clarify Section 84268.3 does not apply to the minor parent programs, and that the requirements concerning the modification of the needs and services plan for minor parent programs remains in Section 84068.3.

Section 84272(b)

Specific Purpose/Factual Basis:

The Department is amending this regulation to clarify that time spent by a child with the minor parent, when the minor parent is the primary caregiver of that child, is not considered “visiting” for purposes of the young child’s needs and services plan.

Section 84272(b)(1)

Specific Purpose:

The Department is amending this regulation to add child care workers to personnel that are responsible for supervising visiting by family members.

Factual Basis:

In a group home that has a minor parent program there is no requirement for a “houseparent,” but there is a requirement for a “child care worker.” This amendment is necessary to add this type of personnel to the individuals who may supervise visiting.

Section 84272.1(a)

Specific Purpose:

The Department is amending this regulation to specify that the regulation applies only to children under the age of six years.

Factual Basis:

This amendment is necessary for clarity and consistency. For older children, including the minor parents, other types of discipline may be appropriate, such as awarding and removing points for desirable behavior. Some group homes use this point system as a positive discipline means.

Section 84272.1(e)

Specific Purpose:

The Department is adopting this regulation to assure that group home staff and the minor parents apply the same type of discipline techniques and do not violate the young child's personal rights.

Factual Basis:

This section is necessary to assure that children under the age of six years receive the same protections from their minor parents as from staff.

Section 84274(c)

Specific Purpose/Factual Basis:

This section is being amended editorially to make minor corrections for clarity.

Section 84274(c)(3)

Specific Purpose:

The Department is adopting this regulation to apply the same vehicle safety standard on group home staff and the minor parents in care. In addition, this section requires the licensee or designee to supervise the minor parent in meeting this requirement.

Factual Basis:

This section is necessary to assure that children under the age of six years receive the same protections from their minor parents as from staff. In addition, California Vehicle Code Section 27360(a) requires parents to use a child passenger restraint system when

the child is in a motor vehicle. This oversight by group home staff is an integral part of the parenting training of the minor parent.

Section 84275(a)

Specific Purpose:

The Department is amending this regulation to correct a cross-reference.

Factual Basis:

The Department's regulation requiring a physical examination for a placed child is at Section 31-206.36 of the Child Welfare Services Manual of Policies and Procedures.

Section 84275(c)

Specific Purpose:

The Department is adopting this regulation to allow a minor parent to administer medications to that parent's child or self while being monitored by staff.

Factual Basis:

This section is necessary for clarity and consistency. Administering medications is an integral part of parenting training.

Section 84276(a)(1)

Specific Purpose:

The Department is amending this regulation to limit its application to children under the age of six years.

Factual Basis:

The current group home regulations for food service are adequate for the minor parents in care. These are the same regulations that would apply to group homes that take the same age group without their accompanying young children.

Section 84276(b)

Specific Purpose:

The Department is amending this regulation to require "child care workers" to wash their hands before each meal.

Factual Basis:

The sanitation standards in this regulation apply to group homes that serve children under the age of six years who are not accompanied by their parents. The Department has determined that the same sanitation standards are appropriate in a group home that serves minor parents and their children.

Section 84276(d)

Specific Purpose:

The Department is amending this regulation to specify that the requirement applies only to feeding children under the age of six years.

Factual Basis:

This amendment is necessary to clarify that the requirement to use appropriate seating equipment applies only to young children.

Section 84276(d)(1)

Specific Purpose:

The Department is amending this regulation to limit its requirement to children under the age of six years and to include child care workers or minor parents among the individuals who are responsible for holding the young children who are unable to sit unassisted.

Factual Basis:

This amendment is necessary for clarity. Responsible staff may include houseparent or child care workers. Holding the young child is an integral part of the parenting training of the minor parents.

Section 84276(d)(2)

Specific Purpose:

The Department is amending this regulation to include minor parents among the individuals responsible for using high chairs and feeding tables in a safe manner.

Factual Basis:

This amendment is necessary for clarity. Using high chairs and feeding tables in a safe manner is an integral part of the parenting training of the minor parents.

Section 84276(d)(2)(B)

Specific Purpose:

The Department is amending this regulation to include child care workers among the individuals responsible for securing a young child in a high chair or feeding table and to allow a minor parent to secure his or her child.

Factual Basis:

This amendment is necessary for clarity. In a minor parent program, there will be child care workers not “houseparent.” Using high chairs and feeding tables in a safe manner is an integral part of the parenting training of the minor parents.

Section 84276(d)(3)

Specific Purpose:

The Department is amending this regulation to include child care workers and minor parents among the individuals responsible for assuring an infant's safety in a high chair.

Factual Basis:

This amendment is necessary for clarity. In a minor parent program, there will be child care workers not “houseparent.” Using high chairs and feeding tables in a safe manner is an integral part of the parenting training of the minor parents.

Sections 84276(f) and (f)(1)

Specific Purpose:

The Department is amending these regulations to include child care workers and the minor parent among the persons responsible for holding the infant while bottle-feeding and to allow the minor parent to feed his or her infant.

Factual Basis:

This amendment is necessary for clarity. In a minor parent program, there will be child care workers not “houseparent.” Holding the infant while bottle-feeding is an integral part of parenting and the minor parent must be allowed to do this.

Section 84277(a)

Specific Purpose:

The Department is amending this regulation to specify the age group for whom the staff members are responsible.

Factual Basis:



This amendment is necessary for clarity. Group homes provide the means for minor parents to keep themselves clean and dry. However, staff members are responsible for assuring this for the children of the minor parents.

Section 84277(a)(1)

Specific Purpose:

The Department is adopting this regulation to specify that staff are responsible for supervising a minor parent who provides primary care of his or her child.

Factual Basis:

This amendment is necessary for clarity. While the young child has accompanied the minor parent into the group home, the staff are responsible for assuring adequate parenting training for the minor parent.

Section 84278(a)

Specific Purpose:

The Department is amending this regulation to limit the “houseparent” responsibility to children under the age of six years who are not accompanied by their minor parents.

Factual Basis:

“Houseparent” are required only in a group home that serves children under the age of six years who are not accompanied by their minor parents.

Section 84278(g)

Specific Purpose:

This regulation is added to prohibit the minor parent and his/her child from sleeping in the same bed.

Factual Basis:

This regulation is added to prohibit the practice of allowing the minor parent and infant to sleep in the same bed for reasons of safety. The U.S. Consumer Product Safety Commission and the Juvenile Products Manufacturers Association launched a national safety campaign on May 2002 aimed at reducing deaths associated with placing babies in adult beds. According to their findings, placing infants in adult beds place the infant at risk of death because of hidden hazards including overlaying of the baby by another in the bed.

Sections 84278.1(c)(2) and (3)

Specific Purpose:

The Department is amending these regulations to specify that group home staff, not simply “houseparent” or maintenance staff, shall maintain sanitation standards.

Factual Basis:

“Houseparent” are required only in a group home that serves children under the age of six years who are not accompanied by their minor parents. Other staff may be used in a minor parent program. This amendment requires the licensee to assign some staff to sanitation duties.

Section 84278.1(g)

Specific Purpose:

The Department is adopting this regulation to specify that staff members are responsible for supervising a minor parent who provides primary care of his or her child.

Factual Basis:

The staff members are responsible for assuring that sanitation standards are maintained whether staff or minor parents care for the young children.

Section 84279(a)(3)(G)

Specific Purpose:

The Department is amending this regulation to specify the age level that must be provided individual attention, to include child care workers among the staff responsible for this individual attention, and to allow that individual attention to be provided by the minor parent.

Factual Basis:

The Workgroup, as specified in Welfare and Institutions Code Section 11467.1, developed this standard for individual attention for children under the age of six years. “Houseparent” are required only in a group home that serves children under the age of six years who are not accompanied by their minor parents. “Child care staff” rather than houseparent are usually used in a minor parent program. An integral part of parenting training is the provision of individual attention by a minor parent to his or her child.

Section 84279(a)(3)(H)

Specific Purpose:

The Department is amending this regulation to specify the age level of children that staff must hold and to include child care workers and minor parents among the individuals responsible.

Factual Basis:

The Workgroup, as specified in Welfare and Institutions Code Section 11467.1, developed this standard for children under the age of six years. “Houseparent” are required only in a group home that serves children under the age of six years who are not accompanied by their minor parents. “Child care staff” are usually used in a minor parent program. An integral part of parenting training is the provision of individual attention by a minor parent to his or her child.

Section 84287(d)

Specific Purpose:

The Department is amending this regulation to limit the requirement to those group homes that have “houseparent.”

Factual Basis:

Only “houseparent” are resident staff. Other staffs do not have a need for a room in which to rest and to store person belongings, because other staffs are not expected to stay longer than their shift.

Section 84287.2(a)(2)

Specific Purpose:

The Department is adopting this regulation to specify that children under the age of six years must be separated from older children, only if those older children are not the minor parents.

Factual Basis:

The Workgroup, as specified in Welfare and Institutions Code Section 11467.1, developed the standard of separating younger from older children only for those homes that serve children under the age of six years who are not accompanied by their minor parents. An integral part of parenting training is playing with one’s children.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill (AB) 2773, Chapter 1056, Statutes of 1998

Senate Bill (SB) 1524, Chapter 666, Statutes of 1998

Standards for Residential Care of Children Under Six Placed in Group Homes and Temporary Shelter Care

Child Welfare League of America, Standards of Excellence for Services for Adolescent Pregnancy Prevention, Pregnant Adolescents, and Young Parents

Regulatory Module for Residential Programs for Pregnant and Parenting Adolescents, October 1989. Funded in part by a grant to the New Jersey Department of Human Services, Division of Youth and Family Services, from the Children's Bureau of the U.S. Department of Health and Human Services.

U.S. Consumer Product Safety Commission press release regarding the dangers of placing babies in adult beds.

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated costs in these regulations that require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered at a public hearing held on May 21, 2003, in Sacramento, California. The public hearing was preceded by a 45-day public comment period from April 4, 2003 through May 19, 2003. Testimony was presented at the public hearing from the following individuals:

Glenda Kuns                      (GLKGH)  
Grace Homes

Gale Kuns                      (GKGH)

Grace Homes

Written public comment was received via e-mail from the following individual:

Douglas K. Johnson (DKJCA)  
California Alliance

The comments received and the Department's response follow:

General

1) Comment: (DKJCA)

"The proposed regulations do not appropriately differentiate the responsibilities of the provider regarding dependent and non-dependent children living with their minor parents in a group home program."

Response

The Department believes that providers' responsibilities toward children in placement should not depend on the child's dependency status, but rather the needs of the child. All children in a facility should be covered by health and safety requirements, regardless of their legal status. There is no difference in the level of care necessary for infants, whether or not dependent, and there should be no difference in the level of care provided. One of the primary concerns of the Department is to provide health and safety to all children in the foster care system. Providing services for some children and not providing services for others in care based on their dependency status is not only inappropriate, but could also endanger children physically and/or psychologically. No change to the proposed regulations based on this comment.

2) Comment: (DKJCA)

"The proposed regulations will increase the costs of operating Minor Parent programs and therefore should not be implemented until and unless concomitant changes are simultaneously made in AFDC-Foster Care program to ensure that these increased costs are covered."

Response

The Department believes that no cost will be incurred by facilities caring for minor parents and their children where the minor parent and child are counted for purposes of providing adequate staff. Only those facilities not currently counting the minor parent's child in their capacity will experience a cost. Facilities currently operating within

existing rates combine access to other categorical sources of public funds and resources available to them through tax exemption provided by their non-profit status. There has been some confusion as to whether the minor parent and child are both to be counted in the capacity for purposes of providing adequate staff; the proposed regulations clarify that all children in care need to be accorded with adequate supervision to ensure their health and safety.

The proposed regulations do not create a new requirement, they do, however, provide clarity for the providers. Further, statute does not require the Department to include in the development of these regulations a concomitant change to the AFDC-Foster Care program. The Department invites any interested individuals to develop and sponsor state or federal legislation that may increase funding to foster care providers.

No change to the proposed regulations based on this comment.

3) Comment: (DKJCA)

"The regulations go beyond the scope of authority under Health and Safety Code Section 1530.8.

Health and Safety Code (HSC) Section 1530.8(d)(1), as amended by Assembly Bill (AB) 2773, Chapter 1056, Statutes of 1998, requires "By September 1, 1999, the department shall submit for public comment regulations specific to mother and infant programs serving children younger than six years of age who are dependents of the court and reside in a group home with a minor child who is the primary caregiver of the child." [Emphasis added.] However, the proposed definition of "minor parent program" in Section 84001 includes children younger than six years of age who are "nondependents," as well as "dependents of the court, ... voluntary and/or regional center placements."

As we wrote in our April 20, 2000, letter,

*The department does not have authority under HSC Section 1530.8(d)(1) to promulgate regulations that apply to children under age six who are not dependents of the court and reside with their adolescent mothers in a group home. The language in AB 2773 written by group home providers specifically requires the development of separate regulations for mother and infant programs serving dependent children under age six because CDSS had indicated that while the law exempted programs serving "non-adjudicated" children under age six, there was no legal basis for exempting those serving dependent children.*

*The following is some relevant background information. AB 1197 (Chapter 1088, Statutes of 1993) required CDSS to develop regulations for group homes that care for dependent children who are younger than six years of age. During the development of the regulations, the CDSS position changed regarding whether or not mother and infant programs were covered under AB 1197. Initially the position was that these programs were not intended to be covered by the "under six" regulations. The standards for group home care of children younger than six years of age that were required to be developed before regulations were developed addressed the care of children who "need to be away*

*from their families.” Of course, children residing with their mother are not away from their families. Also, a draft version of the standards contained the statement (deleted in the final version) “[The standards] do not apply to group homes with programs which focus on minor mothers in placement with their children.” In response to public hearing comments on the first version of the proposed regulations, CDSS specifically stated that the regulations did not apply to a program in which the child under age six merely accompanies that child’s mother into a group home.*

*However, on December 20, 1997, CDSS sent out the “under six” regulations for further public comment and this version reflected the revised CDSS position that the regulations “do not apply to children who accompany their minor mothers who are being placed in a group home, unless the children of the minor mothers are dependents of the court, regional center placements, or voluntary placements.” Then, in a letter to Assembly Member Dion Aroner dated February 21, 1998 (enclosed), CDSS stated “...the only means for the CDSS to further modify the Under-Six Regulations would be...legislation enacted requiring the CDSS to exempt or promulgate a different set of regulations for these teen-mom programs.” At that point the California Association of Children’s Homes and the California Association of Services for Children drafted language to be included in Assembly Member Aroner’s AB 2773 to require a different set of regulations for mother and infant programs serving children under age six who are dependents of the court.*

By including nondependent children within the scope of the Minor Parent program regulations, and then failing to draw distinctions between the provider’s responsibility for dependent versus nondependent children, the proposed regulations hold providers responsible for interactions between minor parents and their nondependent children over which the providers have no legal authority.

For example, Section 84272.1 of the proposed regulations on DISCIPLINE POLICIES AND PROCEDURES requires that “The licensee shall assure that the minor parent disciplines his or her child in a manner consistent with the requirements of Sections 84272.1 (a), (b), and (d).” Section 84272 (d) refers to Section 80072 of the General Licensing Requirements governing all community care facilities. In turn, Section 80072 (a) (3) requires that each client shall have personal rights which include “to be free from corporal ... punishment or other actions of a punitive nature.” CCL would appear to have the authority to require group home operators to prohibit the use of corporal punishment by the minor parent of a dependent child, because the court has removed legal custody of the child from that parent. However, for nondependent children, where the minors retain legal custody of the children, it is not clear that a group home operator would have the legal authority to tell minor parents that they are prohibited from spanking their children, or using other forms of corporal punishment and discipline which any other parents are permitted to use under California law (even though the operator of a CCL facility is prohibited from using them).

This is just one example. There are many others. The general point here is that the CCL regulations should not hold a provider accountable for failing to perform some tasks which they lack the legal authority to perform, with regard to nondependent children

living with their minor parents. In addition, the cumulative impact of creating new and detailed requirements for providers may undermine their ability to support the minor parents in taking responsibility for the care of their children.

Recommendation: The proposed regulations should be reviewed and modified to draw appropriate distinctions between dependent and nondependent children and to ensure that Minor Parent programs can operate in the most family-like, non-institutional manner possible, in which the minor parents are permitted to take maximum responsibility for caring of their children."

#### Response

The Department initially developed Minor Parent Regulations in 1999 (ORD 0999-18) with the assistance of a public interest law firm specializing in children's issues, and provider organizations as statutorily mandated. Based on concerns raised at public hearing, primarily by the California Alliance of Children and Family Services, the Department withdrew the regulations to revisit certain issues and offer alternative solutions. However, in resubmitting these revised regulations, no concession was made by the Department in applying a different set of standards to children in care based on their legal status. All children in a facility must be protected by health and safety requirements.

Although statute specifically establishes Minor Parent Programs for pregnant minors, and minor parents with children younger than six who are dependents of the court, it does not explicitly prohibit the Department from expanding specified protections to also include minor parents with children under six years who are nondependents, voluntary and/or regional center placements. The Department feels it is necessary to include this population in regulation to provide basic health and safety requirements for all children similarly situated in placement regardless of their legal status. Further the Department has the authority include protections for this classification of clients in care under Section 1530 of the Health and Safety Code that allows the Department to promulgate regulations to carry out the purposes, intent and protections of the Community Care Facilities Act.

These regulations do not undermine the minor parents, they are intended to allow and encourage the development of good parenting skills through hands-on experience, so that young parents may develop the skills to ensure their children's healthy growth and development as well as their own. Providers are required to supervise "interactions" between minor parent and child because minor parents in placement are usually troubled youth, and given that abuse is generally passed down from generation to generation, it is the obligation of the Department to ensure the health and safety of these children in care.

No change to the proposed regulations based on this comment.

- 4) Comment: (DKJCA)



"The Statement of Potential Cost Impact on Private Persons or Business states that "The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action." The California Alliances wants to take this opportunity to ensure that CDSS is made aware of the fact that the private nonprofit agencies operating Minor Parent programs would incur greater costs in order to ensure reasonable compliance with these proposed regulations.

The staffing ratios in the proposed regulations will have an adverse cost impact on group homes, which are businesses, specifically, small businesses. (Welfare and Institutions Code Section 11462.4 deems group homes as small businesses and requires the department "to project the impact on group homes... of any new regulations which affect those community care facilities").

AB 2773 was developed specifically to address the programs serving children whom CDSS had determined could not be exempted from the "under six" regulations—those who although living with their parents are declared a dependent of the court. Providers with long histories of running mother and infant programs felt strongly that regulations specific to minor parent programs were needed because of the distinct difference between the situation of a child living with his or her mother in a group home setting and a dependent child under age six placed in a group home setting and not living with his or her parent. While the baby's legal status may vary, the unifying principal behind all mother/baby placements is that the baby is primarily in the mother's care to provide her the best possible chance to be a successful parent. When the mother is present, she needs guidance and supervision of her care of her child, but the child care worker should not assume the role of direct care and supervision in the way that would be needed in programs serving very young children whose mothers do not reside with them. Young children in mother/baby programs have one-on-one care being provided by their primary caregiver—their mother.

The staffing ratios when the mother is present that are required by these regulations will increase costs for programs that are already under funded. Costs will also be increased by the higher formal education and training standards required for the staff of Minor Parent programs. There are direct costs to providers for offering the required training. Provider costs will also incur higher costs in order to hire and retain staff with higher formal education levels, in the specific course areas identified by the proposed regulations.

That adverse impact will affect a larger number of providers because these regulations would apply to all minor parent programs regardless of the legal status of the children (dependent versus nondependent). The AFDC-FC Infant Supplement paid to group homes for the cost of care of infants who reside with their minor parent is now \$848. The rate paid for a dependent child placed in a group home who is not living with a minor parent would be significantly higher, depending on the Rate Classification Level of the facility (e.g., the RCL 12 rate is \$5,613). California Alliance members who run pregnant and parenting teen programs indicate that under the existing program requirements, their actual costs already significantly exceed the Infant Supplement rate. Analyses of group home costs indicate that staffing tends to be a substantial portion (60-70 %) of the cost of

care and supervision of these children. Therefore, any increase in staffing requirements will have an adverse economic impact on these small businesses.

During discussions with CDSS on various foster care and community care licensing issues over the years, providers have repeatedly raised the concern that it is impractical to discuss best practices without simultaneously discussing the development of a rate structure that supports funding the reasonable costs of such best practices. The discussions regarding Minor Parent programs were no exception. California Alliance members strive to have quality programs, but the cost of quality must be recognized. Discussions about increasing the AFDC-FC Infant Supplement are long overdue and these regulations accentuate that fact.

At a time when the State is experiencing a deep financial crisis, when AFDC-FC rates have been and are likely to remain frozen for a number of years, CDSS should be taking no actions which would increase the costs of the private nonprofit agencies providing foster care services. On the contrary, CDSS should be working to develop and implement regulations and policies that give providers greater flexibility so that they are able to reduce their costs in order to absorb the fiscal consequences of several years without COLAs.

Recommendation: These proposed CCL Minor Parent regulations should not go into effect until and unless changes are made in the AFDC-FC rate-setting system for group homes and for the Infant Supplement which will ensure that the reasonable costs of implementing these regulations are covered."

#### Response

As stated in the response to Comment #2: the Department believes that no cost will be incurred by facilities caring for minor parents and their children where the minor parent and child are counted for purposes of providing adequate staff. Only those facilities not currently counting the minor parent's child in their capacity will experience a cost. There has been some confusion as to whether the minor parent and child are both to be counted in the capacity for purposes of providing adequate staff; the proposed regulations clarify that all children in care need to be accorded adequate supervision to ensure their health and safety.

Compared to National Standards (Child Welfare League of America, and the Regulatory Module for Residential Programs for Pregnant and Parenting Adolescents) for minor parent programs which range from 1:3 to 1:6 depending on the model, California's current group home staffing ratios (1:10) are less restrictive, yet still provide adequate staff necessary for the health and safety of children in care. In addition, the proposed regulations relieve providers from the more restrictive staffing requirements of the Under Six regulations, set by statute at 1:3, (because no parent is present).

Funding for minor parent programs, specifically the creation of the Infant Supplement, was federally mandated and implemented by the State of California through SB 510 in

1987. Changes to the infant supplement would require legislative action, or a greater allocation of funds, as allowed by the Welfare and Institutions Code, within budget constraints. The Department invites any interested individual to develop and sponsor state or federal legislation that would increase the Infant Supplement.

The Department has made an effort in these regulations to offer some added relief to providers by allowing an earlier night staff-to-child ratio requirement. This less rich staffing ratio may be utilized only when the infants or children present in the facility are in the care of their minor parent. This requirement will allow providers the more relaxed night staffing ratio at an earlier time, providing some minor relief from the costs associated with the more stringent day ratios. This will also allow teenage parents more time with their children to develop a bedtime ritual, considered by researchers to be an important parenting skill.

In addition, the Department does not believe that the proposed regulations require the “child care worker to assume the role of direct care and supervision in the way that would be needed in programs serving very young children whose mothers do not reside with them”. Proposed regulations made amendments to the under six regulations to allow the minor parent to develop good parenting skills through hands-on experience. For example, these regulations exempt the “family group”, “family like setting”, “houseparent”, and “primary caregiver” requirement of the Under Six regulations because the minor parent is in placement with his/her child. Also, the proposed regulations require the plan of operation to include time for the parent to spend with his or her child in activities appropriate to the child’s development and to the parent’s development of parenting skills; proposed regulations also require parenting education for the minor parents. Further, the regulations allow minor parents, if able to do so, to administer medication to their children; allow the minor parent to feed their children; allow minor parents to be responsible for their children being clean and dry.

None of these requirements are applicable for children under six in placement without their parents.

No change to the proposed regulations based on this comment.

5) Comment: (GLKGH)

"I'm Glenda Kuns from the Grace Homes, which is a perinatal substance abuse recovery program operated in Visalia, California, licensed by Community Care Licensing as a group home. We care for teen moms and their children in a rehabilitation type of program for the young moms.

The court in their mercy allow the moms to have their children with them while they are in placement with us. The focus of our program is on the rehabilitation efforts of the teen mom, and for her. The children are wonderful additions to that and we appreciate the courts and regulations being allowed - being where these girls are allowed to have their

children in placement with them at that time. The children are not the focus of the girl's placement in our program.

One of the issues or concerns that I have is that the - the minor moms' ability to do their rehabilitation that the court has ordered for them, the majority of our girls are probation and we take a few Child Protective Services placements, but those girls meet the same criteria.

The focus of the girls, reasons for being placed in our program is that they are there to do their own personal and social rehabilitation. The child is not the issue. The - and so, sometimes when you look at this, and I - you know, I'm talking from a general overlook of this. The regulations that I see here - and I've been involved in this since the beginning of trying to work out these regulations and what still comes to me as a hindrance, perhaps, in the focus of the rehabilitation of the young moms is that this - you know, using the under six regulations - and I'm not saying to throw it all out. That's not what I'm talking about at all. What I'm talking about is the danger or the - maybe danger is the wrong word. Some of the problems I can see in using these regulations are those regulations are specific to the child who the child is the one who is the focus of this.

That's not the case with our particular clients. There may be other programs in the state where that is the case. But in our particular case that isn't the focus of what's there. The girl is not there because she's been abusive to her child. She's not there because - I mean, she - her parenting skills are probably age appropriate to what goes on in society as a whole with young teen moms, but the girl herself in these cases - I will not accept a girl who has child abuse issues with her child. If their children are detained from - with Child Protective Services, it's because of protection because the mom was incarcerated, not because of - you know, it would be the rare case where it would be anything that the mom has done to the child. Her parenting skills need to be increased, they need to be improved, she needs lots - you know, she needs training in that area because that is one facet of her life. But we're looking at the total young woman here, and the greater issues with her are the - you know, the substance abuse recovery and the social rehabilitation of being able to - anger management and all those kinds of things.

What this will do if this mom is rehabilitated properly and she accepts that responsibility is that it will make her life much better and this child's life will be very good and she will be a changed person and the child will then have a different lifestyle when they leave our program. And that's the goal of our program.

The - what I see with the - and the caution that I have with the under six regs as a whole being adopted, to be included in our program now means that we have - it seems to me, that we have two programs that we have to run within our program, and which one are we to focus on? And so that's - that's my concern. Do I have a solution for that? Not necessarily, other than the fact that what we've already be doing under the regular regs has been - has worked out real fine. This is under the regular group home type of regulations. But I'm not saying that every agency is - you know, has the same concerns that I have, but I'm saying - how many are there in the state? Seven? Something like that. This is affecting seven agencies. We're probably the largest and most

comprehensive, I would like to think anyway, in our program - our program - what we do as far as rehabilitation of the mother. That's one - that's one of those - I mean, that's one issue that I have or one concern.

The other one is that in the - in the Health and Safety Code, at 1530.8, it says that the - there would be regulations that are to be specific to mother/infant programs serving children younger than six years of age who are dependents of the court and reside in a mother - a group home with a minor child who is the primary care giver of the child.

When you come over to - what would you call this? The public notice? What it's - it's increased all that. I mean, it's going now, younger than six years of age, dependents of the court, nondependents, voluntary regional center placements. The rest of it, reside in a group home with their minor parents, is fine. And primary care giver who is the minor parent. Those are - those are fine, and I - our treatment of our children is not - is no different if they're, umm, umm, dependents or nondependents. Very few of our children are dependents of the court. Our - our babies.

I'm talking about - when I'm talking - when I say children, I'm talking about the little ones. We have big children, that's the moms. The - very few of them are dependents of the court. In fact, they're brought to us and the dependency of the child, even if the mom was incarcerated and that was the reason for it, is dropped, and we - girls come to our program to get their children back, and - and when they bring their children to them, the dependency in most cases is released. Very rare do the - does the dependency stay with the child.

So that is - that's again my concern, is maybe we're - is this an overkill kind of thing, you know, and does that mean - what's that mean as far as working with all that. Will this have a cost impact on our agency? Absolutely. Because the way I understand the under six regulations, if we put that together with what we already do with our teen moms in rehabilitation, it means that - the way I perceive it, is that it means that there will have to be two programs within our program. At this point in time, the mother is the placement.

We are paid by - you know, according to our - our level rate classification, RCL level 10. We're paid for the mom. The child accompanies the mom and the child is not placed with us technically. The child is placed by the court with the mom, rather than placement with our staff. Although, you know, we accept the responsibility of supervision and providing the care and what the child needs. But the impact is that if we have to provide and are required by regulation to provide separate services for the child which is what I - you know, it seems like that's the difference, then that does impact, and the - the basic - what - what do you call that? Memory lapse here, okay? I'll get it. UNIDENTIFIED VOICE: (Inaudible). What's that? Well, I know, but it's called - it's a - you have the moms and then you have the - the supplement, okay.

The infant supplement is very limited, and when you think about this, our program is designed that we're licensed for 50. We have licensed beds for 50 in our facilities. The - but we regularly, on an average basis, we take care of teen moms about 25. The rest of those beds are filled by infants or children of these moms. When you look at that, you

know, the child is - the rate of pay for that child - and I know that regulatory people aren't really interested in rate of pay, but this is how it impacts us. The child is 890 - UNIDENTIFIED VOICE: (inaudible). Something along that line. You can see I'm not in the - I don't do the office stuff, okay? But I do know how it impacts our program because I'm the person who designs and runs the program.

The - and so with those beds, you know, with the 50 beds, there's an - there's an opportunity there with, you know, to have - are we going to be held accountable? I guess that's what I'm asking. Is there an accountability to, you know - and I know when regulations go in, because I've worked - you know, we've been doing this for a number of years, but when new regulations are established, it takes awhile for them to figure out what - you know, for everyone to figure out what's going to happen. So I'm looking at the accountability or - actually accountability isn't the right word. I'm more than happy to be accountable.

But what I'm looking at is: Are we going to be able to financially provide for the extra services that are being asked for us to provide for the children? Right now, they're in home settings. Very - I mean, as close as a home could be for - if you talk about adolescent girls who have emotional problems. And - because that's how it's established. It's a safe environment for our children. We have - the issues aren't - you know, that's not the issues here. That's - that's - that's a concern that I have. Do I have a solution for it? No, but, you know, I - I think - I would like to see it addressed somewhere whether it's in this body or in legislative or wherever that needs to go to, of asking programs to provide more care without any way to do that.

And if you're familiar with mother/infant programs, what happens is that because of the infant supplement, we actually operate at a loss already. I mean - I mean, that's just what happens. Rate classification, which is what we operate under as far as our financial things are concerned, will not - do not accept any of the expenses or staffing or anything else that goes for caring (inaudible) for the infant of the child - of the mom. And it's considered unallowable type of expense. So that, again then, goes into cutting down what is allowable to the state.

Do we provide care for these kids? Absolutely. I think we have the finest program in the state, and I would invite any of you to come and see what we do. We're building a brand new five-acre facility. We have ten homes on that facility. They are specially designed and built. Four of them are already being occupied. We're in the process of building two more right now. With the plans there to complete that project. We have a school and a day care center and a counseling center and our offices on the campus and these are all brand new facilities. The - that's - they're laying the foundation, I think, as we speak. We are very committed to working with this population, as you can see, but you know, we - we - the concern that I have is I want to be able to continue to do this kind of work because I think that it's very needed in this state."

Response

The Department of Social Services appreciates the commitment of Grace Homes to minor parent programs. In your comment you state that the minor parent is the focus of your program, not the child of the minor parent. The intent of these proposed regulations are two fold, 1) to assist young parents prepare for self-sufficiency, and 2) to ensure that young parents develop good parenting skills and the ability to provide for their child's healthy growth and development.

With regard to the regulations going beyond the scope of authority in Section 1530.8 of the Health and Safety Code, please refer to Comment #3.

With regard to the Infant Supplement, please refer to Comments #2 and #4.

No change to the proposed regulations based on this comment.

6) Comment: (GKGH)

"We have been approved by the Department of Agriculture under the school lunch program for service of food to infants, and I have reviewed some of the comments regarding how we're to feed and a child's diet is supposed to be reviewed every three months. That is way beyond the Department of Agriculture and the school lunch program guidelines.

We're asking to go beyond the doctor's recommendation in these regulations for the under six. Some of these are just not - just not practical in the care of infants. If a child's on formula, the child's on formula, for instance. If the child's on baby food, the child's on baby food. And then we have our own guidelines under the school lunch program and under part of Agriculture and - I'm missing a department here someplace. The food that we're serving in the program. UNIDENTIFIED VOICE: U.S.D.A. U.S.D.A. Thank you. Those guidelines we participate fully in. Umm, that helps us in our funding stream, so we do receive some income from the school lunch program, and that helps cover some of the costs of caring for the infants.

What I see happening with some of these under six regs, is it's a hindrance because our focus now is no longer the mother, it is now - we have to focus on this child and the level of care we have to provide for the child. So it - it draws us away from the education focus of the teen mother, draws us away from the day-to-day care. This mother is involved in alcohol and drug recovery classes. She's in five recovery classes a week. She's in school for six hours a day. And here we want her to parent this child also. And now they want to parent - our staff is trying to parent the child and this teen mother is trying to parent the child under these regulations, and in short, we believe this is going beyond the intent of the regulations of the assembly bill that's been listed here in the - I can't remember the number of the assembly bill. I believe it's under Health and Safety Code 1530.8, and specifically, paragraph D, again, where it talks about by September the 1st of 1999 that mother/infant programs serving children under six of age who are dependents of the court. And that's the only thing that's listed in that paragraph. There's nothing else listed in regards to nondependent, voluntary regional center placements, or anything along that line.

I'm not familiar with anyone that's taken with regional center placements. If there are, I'm not familiar with that. And voluntary placements, I would be interested in knowing what the definition of voluntary placements are (inaudible). I haven't seen a two-year old volunteer yet to come there, so I'm kind of curious how volunteers would get in there."

#### Response

The under six regulations required in part that meals/formulas for children in care under the age of six years be reevaluated every three months based on that population's rapidly changing needs. The Department developed Minor Parent Regulations with the assistance of a public interest law firm specializing in children's issues, and provider organizations as statutorily mandated. The workgroup agreed that this food service standard should apply to the children of minor parents. The California Alliance of Children and Family Service writes in comment #2 of ORD 0999-18: "The California Alliance concurs with the CDSS determination that the basic health related, food service, personal services, and sanitation requirements, etc. of the 'under six' programs should apply to 'minor parent' programs." This regulation ensures that this vulnerable population is being fed appropriately.

With regard to the focus of minor parent programs, please see Comment #5.

With regard to the regulations going beyond the scope of authority in Section 1530.8 of the Health and Safety Code, please refer to Comment #3.

With regard to "voluntary placement", Welfare and Institutions code Section 11400(n) defines voluntary placement as follows:

". . . an out-of-home placement of a minor by (1) the county welfare department after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement."

No change to the proposed regulations based on this comment.

#### Local Mandate Statement

#### 7) Comment: (GKGH)

"I would also just chime in a little bit on the financial aspect in regards to the - so I question the local mandates statement that's been made here. I question the economic impact on business. I don't believe - it says there has not -- it's not be a significant statewide adverse economic impact. There will be. Again, I will reiterate the fact of the



-- that infant - if we increase the infant supplement rate, if the state increases infant supplement rate, the counties will refuse to place the children with their mother. Bottom line. It will hit the economics of the counties that they will no longer place - there's been some thought of raising the infant rate to \$2,500. We are opposed to that."

#### Response

These regulations will not affect the Infant Supplement. No change to the proposed regulations based on this comment.

#### Statement of Significant Adverse Economic Impact on Business

##### 8) Comment: (GKGH)

"To say there's not an economic impact on the business, yes, there is. One, we will no longer be able to - the counties will no longer place infants with their mothers in placement. I can see that happening. The potential cost of impact on - well, we've just invested three million dollars in a facility to care for teen mothers and babies, and if we don't have any babies to place with the teen mothers, we're going to have to change our focus. I think our commitment is to these teen - and I just want to make it very clear that we are very committed to this population, and I would hate to see some regulation come along to say, oh, we have to do it our way or whatever.

I don't know who's - who's way that is. But a way that this could take under six regs and place them on top of the teen mother programs and say, "This what is you have to be in compliance with."

#### Response

With regard to the economic impact on business, please refer to Comments #2 and #4. No change to the proposed regulations based on this comment.

#### Assessment of Job Creation or Elimination

##### 9) Comment: (GKGH)

"The other assessment of job creation elimination, I don't see it affecting any - we may have to employ a couple more people with the under six regs. I see the dietitian. We already have a dietitian on staff, so that doesn't - I mean, that doesn't affect us because of our school lunch program. Again, a number of these things are program specific, and I'm not for sure of what the other programs are doing, but I believe that we're in compliance with a number of the concerns that you're trying to address in the under six regs. I think the food service to the infants is very important, and we have we've focused in on that and I believe we have the matter well under control and our babies do very well. The diet for the teen - the pregnant teen is extremely important. And the care, the medical care is extremely important. And a number of these issues, I think that is being addressed very well. And so I question some of the - anyway, job creation, we've kind of

maintained a staff of 55 full time - well, about 40 full-time staff and about 50 part time - 15 part time, with a population of 50, so you - you know, you can understand, we're generally running a high enough staffing."

Response

Thank you for your comment. No change to the proposed regulations based on this comment

Statement on Housing Costs

10) Comment: (GKGH)

"Affect on housing costs? Our housing cost is set up pretty static in the fact that we're running nine children to a house. We generally run five mothers and four babies - or six - or depending on -- if it's nine, we generally run five mothers and three babies per house. So you're going to end up with two pregnant girls per house, and that's kinds of the way we work on our housing costs."

Response

Thank you for your comment. No change to the proposed regulations based on this comment.

Statement of Alternatives Considered

11) Comment: (GKGH)

"In regards to the Statement of Alternatives Considered, I find it very difficult to try to impose the under six regs on the teen mother programs. That's just - it's very difficult to do that. There's - I understand the mandate and I think the mandate should be addressed to the - to the dependent child and we can deal with that. When you talk about dependent children that are in our program, you're talking about maybe two children, maybe three children a year that are dependent children in our program. So that's why we were not really concerned initially and I believe that's why these regulations pretty much fell apart initially because the - the number of people it's going to be affecting in the state was very low, and I didn't necessarily see that happening."

Response

Minor Parent Programs will have to follow the General Licensing requirements, Group Home regulations, Under Six Regulations (unless otherwise specified in regulation), and

the Minor Parent Regulations. Thank you for your comment. No change to the proposed regulations based on this comment.

Section 84065.5

12) Comment: (GKGH)

"Just - so you kind of get the other side, let me come back just a second on this level of care. Our level of care does not exceed 1 to 14 at any time 24/7. Okay? We place a staff awake in each facility that cares for nine children 24/7. One staff is always present in that house. We often times go to two. Maybe depending on the level that the children need or if there's appointments going on or if there's other things going on. As far as the infants are concerned, we try to follow the regulations that are currently in place of a 1-to-4 ratio. If the infants are in the home by themselves while the mother is across the street attending school at the same facility, but even at that particular case, we try to - we want to maintain a 1-to-4 ratio. I believe there's regulations in place to do that."

Response

Thank you for your comment. No change to the proposed regulations based on this comment.

f) 15-Day Renotice Statement

A 15-day renotice was not held because there were no changes made to the text in response to the public comments received as a result of the public hearing.